

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6177

BILL NUMBER: HB 1126

DATE PREPARED: Nov 12, 2000

BILL AMENDED:

SUBJECT: Sexual offenses against a child.

FISCAL ANALYST: Sherry Fontaine

PHONE NUMBER: 232-9867

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a prosecution for sexual misconduct with a minor, if it is committed by a person who is at least 21 years of age, may be commenced during any period before the alleged victim of the offense becomes 31 years of age. The bill makes child seduction a Class B felony instead of a Class D felony. The bill also makes a technical correction.

Effective Date: July 1, 2001.

Explanation of State Expenditures: By increasing the statute of limitations, this bill may allow for more prosecution for sexual misconduct. State expenditures would also increase for child seduction offenders if they are incarcerated in DOC facilities for a longer period of time. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months. A Class B felony is punishable by a prison term ranging from six to twenty years. The average length of stay in DOC facilities for all Class B felony offenders is approximately three years, six months.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. Criminal fines and court fees are the same for Class D or B felonies.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court

hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: Criminal fines and court fees of \$120 would remain the same. If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.